

MINUTES

UTAH ACUPUNCTURE LICENSING BOARD MEETING

December 14, 2005

**Room 4B – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:00 A.M.

ADJOURNED: 11:35 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Elaine T. Lu, PT, MHEd
Pamela Bys, RN, BSN, Acupuncturist
Todd A. Mangum, MD
Carol Zoellner, Acupuncturist

Board Members Absent:

Vacant Position

Guests:

Craig Jackson, Division Director
Kris Justesen, Acupuncturist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the September 28, 2005 Minutes.

Ms. Bys made a motion to approve the minutes with minor revisions. Ms. Lu seconded the motion. **The Board vote was unanimous.**

NEW BUSINESS:

APPOINTMENTS:

9:30 A.M.

Review Law and Proposed Rules

Ms. Taxin commented that the Board had requested the previous Bureau Manager to write proposed rules to include continuing education (CE). Ms. Taxin concluded that the law must be changed for CE

requirements to be written into the rules.

Ms. Taxin reported that, as per the Board request, a copy of the California and Colorado laws are available for review. Ms. Taxin stated that the requested Michigan law is not available as Michigan does not have licensure.

Ms. Bys added that she printed the laws of several other States. Ms. Bys stated that the NCCAOM requirements for CE are a specific number to be completed every 4 years. Ms. Bys asked if Utah would follow those guidelines or change the requirement to the 2 year renewal period.

Mr. Jackson, Division Director, responded that the CE should be coordinated with the 2 year renewal cycle.

Ms. Taxin commented that she had the Social Work laws and rules available for guidance on language to use for the Acupuncture law. Ms. Taxin explained that the law changes must be made by the Association and the rule changes would then be made by the Board. Ms. Taxin continued to say that the Division, Board and Association should work together to be sure everyone agrees with any proposed changes in the law and the rule.

Ms. Lu asked if those licensed prior to 1996 and Utah using the NCCAOM examination could grandfather into NCCAOM as those individuals would not be able to meet NCCAOM CE requirements.

Ms. Justesen, Utah Association representative, responded that membership in NCCAOM would only affect about 2 people.

Ms. Taxin responded that those few people would submit their CE to the Division for review if audited.

The Board requested the Association to consider changing the law to reflect the following:

1. Include the scope of using herbs.
2. Change the name from National Commission for the Certification of Acupuncturists (NCCA)

- to the reflect the current name of National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM),
3. Deleting 58-72-601. Acupuncture license not authorizing medical practice – Insurance payments. Nothing in this chapter may be construed to permit the practice of medicine nor require direct payment from third party insurers directly to acupuncturists.
 4. Include a section requiring continuing education (CE).
 5. Include the letters L.Ac. to be used behind the name to reflect the licensee is licensed as an Acupuncturist.

Ms. Taxin requested the Board to again review the law and the proposed changes and to call the Board Secretary next week if there are other areas needing to be revised. Ms. Taxin stated that if there were no more revisions, Ms. Taxin will then contact Kris Justesen, Association representative, for the Association to move forward with the revisions.

Ms. Justesen asked if the Board would oppose the Association striking the word human in 58-72-102(4)(a). Ms. Justesen stated the law would then read: “Practice of acupuncture” means the insertion of acupuncture needles and application of moxibustion to specific areas of the body... Ms. Justesen commented that by striking the word human, the Acupuncturist could then work on animals if they had the training.

The Board requested Ms. Justesen to leave section 58-62-102(4)(a) as it is currently written at this time and follow the recommendation of the Board to make only the 5 changes previously discussed.

CORRESPONDENCE:

Newsletters

Ms. Bys reported that she had taken the FAOMRA newsletter at the last Board meeting to review and report any pertinent information. Ms. Bys reported that the FAOMRA is an organization that regulates the practice of oriental medicine and assures protection of the public. Ms. Bys stated that the FAOMRA also

opens communication between States regarding setting up a reciprocity standard. Ms. Bys reported that 15 States are currently participating in FAOMRA at this time. Ms. Bys recommended Ms. Taxin request membership and to review the information as there is a statement regarding the possibility of a percentage of the fees being waived if the agency is unable to pay the full dues.

Ms. Taxin responded that she will discuss the membership fees with the Director and report back at the next scheduled meeting.

Ms. Bys recommended Board members each take a newsletter to review and be prepared to report any pertinent information at the next scheduled Board meeting. Ms. Bys distributed the newsletters to the Board.

DISCUSSION ITEMS:

Consent Form

Ms. Taxin discussed the requirement of each applicant submitting a copy of their consent form for the Division to review and approve. Ms. Taxin stated that the law requires a consent form but there is no requirement for the Division to review and approve the form. Ms. Taxin stated that she would like to take the requirement of submitting the form to the Division out of the application.

The Board requested the Division include language in the application instructions regarding the requirement and have a sample of a form available for applicants who may request guidance.

Ms. Taxin requested the Board to be prepared with criteria to be included in the rules and a form example for the next scheduled Board meeting.

Chairperson

Ms. Taxin suggested those Board members interested in serving as the Board Chairperson voice their interest for the Board to make a motion and vote.

Ms. Taxin stated that Ms. Zoellner had voiced her desire at the last Board meeting to serve as the chair.

Ms. Zoellner responded that she was no longer interested.

Dr. Mangum voiced his interest and Ms. Bys voiced her interest.

The Board requested a silent written vote. There were 2 votes for Dr. Mangum and 2 for Ms. Bys. Mr. Jackson suggested he toss a coin to break the tie. All parties agreed. Dr. Mangum called heads and Ms. Bys called for tails. Mr. Jackson tossed a quarter and Ms. Bys won the vote by calling tails.

Tentative 2006 Board Meeting Schedule

The Board noted the following dates for the 2006 Board meeting schedule: March 22, June 14, September 27 and December 6, 2006.

Legislative Issues

None at this time.

New board member

Ms. Taxin reported that a name has been submitted to the Governor's office for approval.

Scope of Practice

Ms. Zoellner requested clarification on the scope of practice for acupuncture and asked if an Acupuncturist Licensee has training in an area, may they practice in that area.

Ms. Taxin reviewed the law and rule and responded that 58-72-102(4) is the only area in the law that refers to the scope of practice.

Dr. Mangum responded that he would recommend including dietary guidelines, herbal remedies and supplements in 58-72-102(4)(ii).

Ms. Lu responded that the section should read: 58-72-102(4)(ii) the recommendation of dietary guidelines, herbs, supplements, and therapeutic exercise based on traditional oriental medical diagnosis and concepts according to practitioner training.

Dr. Mangum made a motion to recommend the Association consider include changing 58-72-102(4)(ii) section of the law to read: the

recommendation of dietary guidelines, herbs, supplements, and therapeutic exercise based on traditional oriental medical diagnosis and concepts according to practitioner training. Ms. Lu seconded the motion. The Board vote was unanimous.

The Practitioners Liability

Ms. Zoellner requested clarification regarding the Acupuncturist recommending herbs that should not be taken with some prescriptions.

Board members determined this is not an issue at this time and recommended this be addressed at a later date.

Website

Dr. Mangum requested the website address for information.

Ms. Taxin responded that the website is www.dopl.utah.gov .

NEXT MEETING SCHEDULED FOR:

March 22, 2006

MEETING ADJOURNED AT:

11:35 A.M.

Date Approved

Chairperson, Utah Acupuncture Licensing Board

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing